

11-14-2003 10:36am From-PATTON BOGGS

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OFFICIAL

Facsimile: 303-894-9239

**To:** Examiner Ginette Peralta  
**Company:** Commissioner Of Patents And Trademarks  
**Fax Number:** 1-703-~~872-9319~~ 872-9306  
**Phone Number:** 1-703-305-7722  
**Application No.:** 09/998,469

**Total Pages**  
**Including Cover:** 54

**From:** Elaine C. VonSpreckelsen, Secretary to Carl A. Forest

**Sender's Direct Line:** 303-894-6163

**Date:** November 14, 2003

**Client Number:** 13176.403

**Comments:**

ANCHORAGE

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**Serial No.:** 09/998,469 **Group No.:** 2814  
**Filed:** 29 Nov 2001 **Examiner:** Peralta, Ginette  
**Confirmation No.:** 5686

Attached please find the following documents to be entered in the above application:

1. Request For Continued Examination Transmittal Form PTO/SB/30 (1 page)
2. Fee Transmittal Form PTO/SB/17 (2 for a total of 2 pages)
3. Petition For Extension Of Time Form PTO/SB/22 (1 page)
4. IDS Transmittal and IDS Form PTO/SB/08A (2 pages)
5. Amendment and Remarks responsive to the Advisory Action mailed October 22, 2003, as well as the Final Office Action mailed June 16, 2003 (21 pages)
6. Declaration Of Larry D. McMillan, with attachment (21 pages)

If you should have any questions, please do not hesitate to contact me. Thank you for your assistance in this matter.

If you did not receive all of the pages or find that they are illegible, please call 303-830-1776.

PTO/3B/17 (10-03)  
Approved for use through 07/31/2006. OMB 0851-0032  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE  
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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1834

## Complete If Known

Application Number 09/993,469  
Filing Date 29 Nov 2001  
First Named Inventor Narayan Solayappan  
Examiner Name Parella, Ginette  
Art Unit 2814  
Attorney Docket No. 13176.403

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account

Deposit  
Account  
Number

50-1848

Deposit  
Account  
Name

Paton Boggs LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	285	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	180	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$ 0)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	88	-67**	=	19	X	18	=	342
Independent Claims	8	-6**	=	2	X	86	=	172
Multiple Dependent					X		=	0

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	88	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2)

(\$ 514)

\*Or number previously paid, if greater. For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1231	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	420
1253	850	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Patents to the Commissioner	130
1807	50	1807	50	Processing fee under 37 CFR 1.17 (g)	
1806	180	1806	180	Submission of Information Disclosure Sheet	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(e))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	770
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 1320)

## SUBMITTED BY

Name (Print/Type)	Carl A. Forest	Registration No. (Attorney/Agent)	28,494	Telephone	303-804-8114
Signature				Date	November 13, 2003

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to be used by the USPTO to process an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent Application No.:	09/998,469	)	
Filing Date:	November 29, 2001	)	Group Art Unit: 2814
For:	Barrier Layers For Protecting Metal Oxides From Hydrogen Degradation	)	Examiner: Peralta, Ginette
Applicants:	Solayappan et al.	)	Docket No.: 13176.403US
		)	Confirmation No.: 5686
		)	Paper No.: 11

## CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence, along with all papers referred to as being transmitted, are being facsimile transmitted to the Patent and Trademark Office Fax No. (703) 308-7224. 872-1234. 9306

*November 14, 2003*  
Date

*Elaine C. VonSpreckelsen*  
Elaine C. VonSpreckelsen

MAIL STOP RCE  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

Dear Sir:

These Amendments and Remarks are responsive to the Advisory Action mailed October 22, 2003, as well as to the Final Office Action mailed June 16, 2003. A Declaration of Larry D. McMillan under Rule 132 is enclosed.

A two-month extension to reply is hereby requested under Rule 1.136 with the appropriate fee. A Request For Continued Examination and the appropriate fee are also filed herewith.

Serial No. 09/998,469  
Remarks Responsive To  
Advisory Action Mail d 10/22/03

Pag 1  
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